



United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

February 26, 2024

**VIA ECF**

The Honorable Jennifer E. Willis  
United States Magistrate Judge  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Elias Feuer v. Lauren M. McFerran*, 22-cv-10433 (JW)

Dear Judge Willis:

This Office represents Lauren M. McFerran, Chairman of the NLRB (the “Government”) in this action. We write respectfully on behalf of both parties to provide this joint status letter pursuant to the Court’s Order. ECF No. 38.

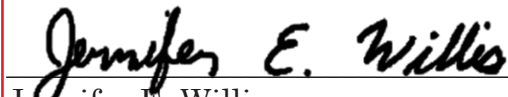
After various meet and confers, the parties have reached agreement on outstanding issues raised at the last conference on February 7, 2024. The Government has agreed to review additional emails that hit on a select number of search terms for custodians Pearce, Giannasi, Amchan, Carter and Avent through December 30, 2018 (totaling about 580 hits), and for Abruzzo until November 17, 2017 (totaling about 130 hits). Further, the parties have agreed for the above additional review, (a) that for all of these custodians with the exception of Abruzzo, the Government will not identify emails for which it asserts privilege on a privilege log, if the NLRB’s Special Counsel Kovachich is a sender or recipient of the email and (b) to discuss further whether it is necessary for the Government to identify emails for which it asserts privilege on a privilege log, if the communication is between Abruzzo and Kovachich.

Further, the parties have agreed that the Government will not collect custodian Kovachich’s emails; instead, the Government will review its prior productions (covering the time period January 1, 2016 to November 27, 2016 and all previously agreed-upon search terms), in particular, for responsiveness and to confirm that there are no other non-privileged and responsive notes that were not previously produced.

Lastly, Plaintiff still requests, and Government has confirmed, that it will confirm whether any non-email notes exist and will produce any non-privileged and responsive notes, to the extent they exist, by the date set for the completion of document production.

The parties have agreed to the following timeline: To allow for the agreed-upon emails to be gathered by the agency and uploaded by the vendor; for the government to complete its review of the additional documents and re-review of prior emails and notes; for the software vendor to complete any production of relevant documents; and for the government to provide a privilege log, the parties respectfully request that the document production deadline be set for April 19, 2024; that the deadline to provide a privilege log be set for May 10, 2024; and that the deadline to complete depositions be set for June 28, 2024.

This proposed schedule is adopted and approved. SO ORDERED.



Jennifer E. Willis  
United States Magistrate Judge  
February 28, 2024

Respectfully,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

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